

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CARMEN RILEY, *et al.*,

Plaintiffs,

v.

WARDEN BRIAN CLARK, *et al.*,

Defendants.

No. 4:20-CV-00325

(Judge Brann)

(Magistrate Judge Arbuckle)

**ORDER**

**JANUARY 13, 2021**

Carmen Riley and Thomas Matthews, individually and as the parents of Ty'Rique Riley, and Carmen Riley as administrator of Ty'Rique Riley's estate, filed this 42 U.S.C. § 1983 civil rights complaint—which was later amended—alleging that numerous individuals and entities violated Ty'Rique Riley's rights during the events that preceded his untimely death.<sup>1</sup> On December 21, 2020, Magistrate Judge William I. Arbuckle issued two Report and Recommendations recommending that this Court grant in part the pending motions to dismiss and dismiss certain Defendants from certain counts of the amended complaint.<sup>2</sup> Plaintiffs filed a notice on January 4, 2021, stating that they had no objections to the Report and Recommendations.<sup>3</sup>

---

<sup>1</sup> Docs. 1, 16.

<sup>2</sup> Docs. 51, 52.

<sup>3</sup> Doc. 53.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.<sup>4</sup> Regardless of whether objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.<sup>5</sup> Upon review of the record, the Court finds no error—clear or otherwise—in Magistrate Judge Arbuckle’s conclusions that certain defendants and claims should be dismissed from the amended complaint. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge William I. Arbuckle’s Report and Recommendations (Docs. 51, 52) are **ADOPTED**;
2. Defendants’ motions to dismiss (Docs. 28, 45) are **GRANTED** in part as follows:
  - A. Counts 8, 14, and 15 are **DISMISSED** as against Susquehanna Township Police Department, Michael Darcy, Demetrius Glenn, Aaron Osman, Richard Adams, and Richard Wilson;
  - B. Count 8 is **DISMISSED** as against Chris Haines;
  - C. Counts 1, 2, 5, 6, 9, 11, 12, 13, 14, and 15 are **DISMISSED** without prejudice as against Angela Swanson.

---

<sup>4</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

<sup>5</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

3. This matter is **REMANDED** to Magistrate Judge Arbuckle for further proceedings.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann  
United States District Judge